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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,164	06/29/2005	John Kay Spence	4046/033	4383
23440 7590 01/07/2010 GOTTLIEB RACKMAN & REISMAN PC 270 MADISON AVENUE 8TH FLOOR NEW YORK, NY 10016-0601				
EXAMINER				
YL, STELLA KIM				
ART UNIT		PAPER NUMBER		
1791				
MAIL DATE		DELIVERY MODE		
01/07/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/541,164

**Applicant(s)**

SPENCE, JOHN KAY

**Examiner**

Stella Yi

**Art Unit**

1791

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 4-7, 10-12, 19 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-7, 10-12, 19, and 24-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ ~~Notice of Informal Patent Application~~
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4-7, 10-12, 19, and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over VEALE (3,618,181) and in further view of PLOUGH (3,917,216).

Regarding Claims 1, 2, 4, 10, 11, 19, 24-26, VEALE discloses a method and apparatus for casting concrete whereby a series or stack of concrete bodies (panels) can be formed, one on top of the other by the use of a single mold without having to disassemble the mold after a body has been formed and prior to making the succeeding body (Col.1, lines 30-37). The casting device (10) comprises ends (12) and (14) along with sides (16) and (18) forming a rectangular frame. At each corner of the frame are jack assemblies (20), (22), (23), and (24) comprising a jack pole (26) (column) with holes (28), each column has a collar (82) with arms (86) and (88). Holes (locating means) (28) in these arms are brought in to register with holes (36) in rods (32) and (34) and held at that level by L-pins (90). Along with the said collar with arms, a hydraulic cylinder (30) located at the top of jack pole (26) together operates the beam (60) to define a forming space for the subsequent panels wherein the space corresponds to the thickness of a plurality of said panels (Col.3, lines 71-75 through Col.4, lines 1-5). Each

column comprises a first upright member supported from a base member wherein the said holes (locating elements) are spaced vertically along the upright member (see Figure 1). VEALE is silent to a second upright member with a pivotable base and top-piece that can engage one side member to secure in locating engagement with the first upright member. However, PLOUGH discloses a quick-release fastening device for fixedly but releasably securing together the outer end edges of two pivotally connected right angle sections of a concrete column form (Abstract), and further including a retaining element (96) provided to retain the first and second upright members (Col.6, lines 25-44). It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a pivotable base and top-piece taught by PLOUGH in the formwork of HALBERSTADT in order to provide secure column during a concrete pouring process and releasability of the column formwork from the hardened concrete column (Col.2, lines 1-23).

Regarding Claims 5-7, VEALE discloses the said formwork comprising holes (locating means) (28) in these arms are brought in to register with holes (36) in rods (32) and (34) and held at that level by L-pins (90). In the raising operation when the holes in arms (86) and (88) come into register with holes (36) of jack rods 32) and (34) L-pins (90) are inserted an T-pin (92) placed in hole (28) immediately below collar (82) thus distributing the weight of the casting frame on poles (26) of jack assemblies (20), (22), (23), and (24) (Col.4, lines 70-75 through Col.5, lines 1-7).

Regarding Claim 12, VEALE discloses a bond breaking agent, such as, for example, a heavy cardboard sheet preferably having waxed or equivalent surfaces is

used to treat the upper face of the panels which define the bed of the subsequent panels in order to avoid adherence to the set material of the first body as well as to the bottom of the succeeding body (Col.2, lines 24-29).

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 2, 4-7, 10-12, 19, and 24-26 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella Yi whose telephone number is 571-270-5123. The examiner can normally be reached on Monday - Thursday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571-272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SY

/Jeff Wollschlager/  
Primary Examiner, Art Unit 1791